REMARKS

In an office action mailed April 7, 2004, claims 43-47, 49-55, 57, 58, 60 and 61 have been rejected.

Applicants note that the office action did not address claims 48, 56, 59 and 62-68. During a telephone discussion with Examiner Hendricks on 4/12/04, Examiner Hendricks stated that he believed the non-addressed claims may be free from the prior art, and suggested that Applicants respond as if the claims have been deemed free from the prior art.

In response, Applicants have cancelled claims 43-50, 59 and 62-68 and added new claims 69-76. New claims 69-76 refer to claims 48, 56, 59 and 62-68 rewritten in independent form, where applicable. For the Examiner's convenience, Applicants have provided the following to assist the Examiner in determining which new claim refers to which cancelled claim.

New Claim	refers to	Cancelled Claim
69		62
70		63
71		64
72		65
73		66
74		48
75		56
76		59

Presently, claims 51-55, 57, 58, 60, 61 and 67-76 are pending in the application. Reconsideration is respectfully requested.

Rejections Under 35 U.S.C. §112

In the office action, claim 47 has been rejected under §112, second paragraph as being indefinite. In response, claim 47 has been cancelled. Hence, the rejection under §112 has been rendered moot.

Rejections Under 35 U.S.C. §102(b)

In the office action, claims 43-47 and 49 have been rejected under §102(b) as being anticipated by EP 0896868 to Jeffcoat et al for the reasons put forth in a previous office action.

By this amendment, claims 43-47 and 49 have been cancelled. Therefore, the rejection under §102 has been rendered moot.

Rejections Under 35 U.S.C. §103

In the office action, claims 43-47 and 49-50 have been rejected under §103 as being unpatentable over Todd Jr. in view of Jeffcoat et al.

By this amendment, Applicants have cancelled claims 43-47 and 49-50. Therefore, the rejection under §103 based on Todd Jr. in view of Jeffcoat et al. has been rendered moot.

Claims 43-47, 49-55, 57-58 and 60-61 have been rejected under §103(a) as being unpatentable over U.S. Patent No. 5,028,445 to Wu et al., in view of Jeffcoat et al.

According to the Examiner, Wu et al. disclose a process of formulating simulated crustacean meat wherein pulverized, cleaned and rinsed fishmeat (surimi) is mixed with NaCl, starch, modified food starch and protein.

According to the Examiner, Jeffcoat et al. disclose a stabilized, crosslinked, hydroxypropylated waxy potato starch that may be used in a number of food products.

The Examiner states that it would have been obvious to one of ordinary skill in the art to produce a meat product containing a salt brine comprising a modified food starch. The Examiner recognizes that Wu et al. does not provide specific details regarding selection of a modified food starch, but according to the Examiner, the skilled person would have looked to the state of the art for common modified food starches such as those disclosed by Jeffcoat, et al., and arrive at the present invention. Applicants respectfully disagree.

Firstly, the genus of "modified food starch" encompasses a very large group of species of starches. Modified starch is a starch that has been treated physically or chemically to modify one or more of its key physical of chemical properties. For example, a chemically modified starch may have been treated with chemicals so that some hydroxyl groups have been replaced by either ester or ether groups, or so that two hydroxyl groups on neighboring starch molecules are linked (i.e. crosslinking). A physically modified starch is a starch that has been physically treated without the introduction of new chemical groupings. Examples of physical modification include drum-drying, extrusion, spray drying, heat/moisture treatment,

etc. . See www.foodstarch.com/dictionary. Amylopectin potato starch is not a species of modified food starch.

A person of ordinary skill that reads Wu, et al. would have to select from the wide array of food starches available, both cereal and non-cereal, and then select from the numerous ways of modifying a starch to arrive at a suitable modified food starch. A person of ordinary skill that reads Wu, et al. would not end up using a non-cereal starch containing 95% wt. amylopectin, as in the present invention.

Importantly, Jeffcoat et al. does not hint, suggest, contemplate or motivate to use its starch in a meat or meat product. Both documents are silent concerning water binding capacity of meat or meat products.

As a result of the present invention, it has been discovered that a meat or meat product comprising a meat brine in accordance with the present invention has better water binding capacity which improves the pump level (the amount of water incorporated in the product) and improves the texture.

For instance, in Example 4 of the application, several types of starch solutions are injected into whole muscle meats. The solutions contain either conventional potato starch, amylopectin potato starch (the claimed starch) or a corn starch. It is interesting to note that the binding capacity of the products containing demineralized water and either conventional potato starch or amylopectin potato starch are about the same. See page 17, lines 3-7. Therefore, one would not be motivated to utilized amylopectin potato starch in place of conventional potato starch, when treating a meat or meat product.

Furthermore, from the experiments with conventional potato starch and corn, the skilled person would conclude that the use of brine with starch instead of demineralized water with starch would lead to a considerable drop in water binding capacity. See page 17, lines 8-12. Notably the drop in binding capacity is larger for the non-cereal starch (potato) than for the cereal (corn) starch.

Unexpectedly, when a meat is injected with a meat brine comprising an amylopectin non-cereal (e.g. potato) starch, the binding capacity is hardly reduced compared to meat injected with a solution of demineralized water and such a starch. Moreover, the binding capacity of a meat injected with a brine comprising an amylopectin non-cereal starch is much higher as compared with meat injected with a brine comprising a conventional starch.

It is illustrated in Figure 5 that the binding capacity when using a brine comprising an amylopectin non-cereal starch is more than 30% higher than a meat injected with brine comprising potato starch, and about twice as high when compared with meat injected with brine comprising corn starch.

The claimed meat or meat product and methods of preparing the same have unexpectedly superior characteristics as compared to the prior art.

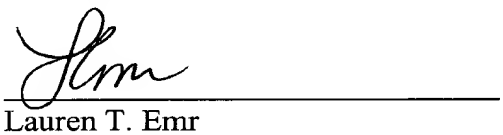
In Example 13, Jeffcoat shows chicken noodle soup comprising chicken broth and a waxy potato starch (amylopectin starch). Note that the broth itself does not contain the starch, although the soup does. Thus, at best, the soup might be considered a meat brine. There is no suggestion whatsoever in Jeffcoat et al. to administer the chicken noodle soup to a meat or meat product. In particular, Jeffcoat et al. do not suggest in anyway that chicken

noodle soup is suitable for preserving a meat or meat product and for improving the water binding capacity of a meat or meat product.

Applicants submit that the present invention is patentably distinct from Wu et al. in view of Jeffcoat et al. Accordingly, it is respectfully requested that the rejections under §103 based on Todd Jr. and Wu et al. in view of Jeffcoat et al. be reconsidered and withdrawn.

It is now believed that the application is in condition for allowance. If the Examiner has any questions or comments relating to the present application, he is respectfully invited to contact Applicant's attorney at the telephone number set forth below.

Respectfully submitted,



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